THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7291 of 2007

Dated:10.04.2007

Between:

R.V.Ramana Kumar and others.

... Petitioners

AND

The Revenue Divisional Officer and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7291 of 2007

ORDER:

The wife, son and daughter-in-law of the third respondent filed the instant Writ Petition assailing the proceedings of the first respondent dated 16.11.2005. The third respondent herein gave a representation to the second respondent requesting to cancel pattadar pass book (PPB) and title deed (TD) issued in favour of the first petitioner alleging that the properties were purchased by him and that the PPB was issued to the first petitioner illegally. The Mandal Revenue Officer issued notice to the parties and submitted a report to the first respondent, who, while cancelling the PPB, remitted the matter to the second respondent for *de novo* enquiry after giving opportunity to the petitioners and the third respondent. Aggrieved by the same, the present Writ Petition is filed.

Learned Counsel for the petitioners submits that the property claimed by the third respondent was the property of the maternal grandfather of the first petitioner, that the third respondent married second time and living separately, and as the petitioners were in occupation and enjoyment of the land, PPBs were given to them in 1999. He, therefore, would urge that cancellation of PPB at this point of time is illegal and without jurisdiction. **Opposing** the Writ Petition, the learned Assistant Government Pleader for Revenue (General-A) relies on Rule 13(2) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989.

Even according to the petitioners, PPBs were issued in their

favour about seven years ago, and that the third respondent is claiming the properties as self-acquired properties. Therefore, this is certainly a matter for enquiry. Presumably, for this reason, the first respondent thought it fit that a fresh enquiry is required. If the petitioners are aggrieved by such order, their remedy is to approach the Joint Collector, Kadapa, by filing a revision under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. As this legal position is not denied, this Court is not inclined to express any opinion on the merits of the case. Liberty is given to the petitioners to prefer the revision immediately within a period of ten days from the date of receipt of a copy of this order. As and when the revision is filed, the Joint Collector shall dispose of the same within a period of eight weeks thereafter after issuing notice to the petitioners as well as the third respondent.

The Writ Petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

10.04.2007
vs